

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

REPUBLIC GROUP, LLC, MBE CAPITAL
PARTNERS, LLC, RAFAEL
MARTINEZ, CHELSEA MARTINEZ AND
REACHING NEW HEIGHTS, CORP.,

Plaintiffs,

v.

BANK OF AMERICA, NA AND MERRILL
LYNCH, A BANK OF AMERICA
COMPANY, JOHN DOES 1-10 AND ABC
CORP. 1-10,

Defendants.

Civil Action No. 20-12081

**DEFENDANTS BANK OF AMERICA,
N.A. AND MERRILL LYNCH'S
NOTICE OF MOTION TO DISMISS
COMPLAINT WITH PREJUDICE**

Motion Day: December 7, 2020

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on December 7, 2020, or as soon thereafter as the matter may be heard, Defendants Bank of America, N.A. and Merrill Lynch ("BofA"), will move before the Honorable Susan D. Wigenton in Courtroom 5C of the Martin Luther King Building & U.S. Courthouse, 50 Walnut Street, Newark, NJ 07102, for entry of an order dismissing Plaintiffs' Complaint with prejudice. This Motion is brought pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure on the ground that Plaintiffs have failed to state any claim against BofA on which relief may be granted.

BofA's Motion is based on this Notice, the accompanying memorandum of law, the supporting Declaration of Chris Yuasa and the Exhibit thereto, matters of which judicial notice may be taken, and such other evidence and argument that the Court may receive. A proposed form of Order is also submitted herewith. BofA does not request oral argument.

Dated: November 9, 2020

Respectfully submitted,

/s/ Philip S. Rosen

Philip S. Rosen

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